

CAUSE NO: 5121

Javier Diaz, Child  
DOB March 1, 1999

27<sup>th</sup> DISTRICT COURT OF  
Hopewood COUNTY, MOCK STATE

## Report to the Court

February 27, 2015

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### Case Summary

The child, Javier Diaz, age 15, first came to the attention of the agency on September 15, 2014, when his younger sister, Maria, called 911. Javier's guardian (also maternal uncle by marriage), Mr. Manuel Gomez, had struck Javier in the face with a closed fist and injured his eye during an argument. Mr. Gomez felt that Javier was showing "homosexual tendencies" and became angry because Javier told them he would no longer attend therapy Mr. and Ms. (Lisa) Gomez had arranged that would "fix" him. Javier also wanted to go out with his friends, but was forbidden by his uncle. When Javier tried to leave the home anyway, he was struck and injured by Mr. Gomez; his wound was bleeding. Ms. Gomez asked her husband to stop, but did not try to intervene to protect Javier. Maria was afraid her uncle would hurt Javier worse, so called 911 at that point. Police responded to the address right away and, on assessing the situation, decided that CPS should be called.

When I arrived at the home a short time later, I was met by Officer Gary Ridgefield. After brief discussions with Mr. and Ms. Gomez, Javier, and his sister Maria, Officer Ridgefield, Ms. Gomez, and I took Javier to urgent care for treatment for his injury. He was treated and medication prescribed, and we returned to the home. Mr. and Ms. Gomez stated that they had been very disturbed of late by Javier displaying what they believed to be homosexual behavior. Mr. and Ms. Gomez said the incident tonight was the first time Mr. Gomez has injured Javier. Ms. Gomez said she did not try to protect Javier because she felt he "brought it on himself" with his behavior. I spoke with Javier alone. He verified that he had been struck before by Mr. Gomez, but this was the first time he had been injured. He expressed his fear of being injured again if he remained in the home. I completed a risk/safety assessment, and it showed Javier to be unsafe in the home. Mr. and Ms. Gomez said that they would like for Javier to be removed. The night CPS administrator, Sarah McCall, was contacted and gave me permission to remove Javier on an emergency basis.

The biological parents of Javier, Rosa and Jonathan Diaz, have struggled with substance abuse on and off for many years. In 2005, Mr. and Ms. Gomez obtained guardianship of Javier and his sister at ages 6 and 4; thus, the two children have been in the home for 9 years. Collateral contacts stated that Mr. and Ms. Gomez were good parents to Javier up until the time that he began having struggles with his sexuality. The guardians become increasingly upset with Javier because of what they believed to be his homosexual tendencies.

Prior to the adjudication hearing, and again on February 3, 2015, I visited with Rosa and Jonathan Diaz, Javier's biological parents. They continue to struggle off and on in recovery from long-term substance abuse; Ms. Diaz has completed court-ordered rehabilitation, and Mr. Diaz is employed only sporadically as a bricklayer. There continues to be occasional telephone and face-to-face contact between them and Javier. They want to stay in contact with their son, but feel they are not a suitable placement for him at this time.

Mr. and Ms. Gomez, guardians, completed psychosocial assessments on 10-17-14. Manuel Gomez feels he had a "normal" childhood. His parents are divorced, and he was raised by his mother. He began working as a sacker at a grocery store when he was 14 and has worked continually since that time. He finished high school and has worked most of his adult life as an auto mechanic; this is his current occupation. Mr. Gomez said he used alcohol a lot as a teenager and young man and frequently got into fights. He rarely drinks now because it "gets [me] in trouble." Mr. Gomez had a brief marriage that ended in divorce before he married Ms. Gomez at age 23. He feels they have a good marriage, and he can count on her to provide emotional support. He has one brother, and he and his wife are close to their extended families. Mr. Gomez has been diagnosed with rheumatoid arthritis and worries that he may eventually be unable to do his job. Regarding parenting, he feels he's been a good parent to Javier and his sister, although he said he's "old-fashioned" and has been strict with them and sometimes "loses it" with Javier. He has no tolerance level for Javier's "homosexual tendencies." Earlier in the case, he said he'd like to have Javier back in the home, but only if he were "normal." He said Javier doesn't appreciate what he and his wife have given him, and they've struggled financially to provide for two children; it has been particularly hard now that the children have become teenagers. They have no biological children of their own.

The assessment revealed that Mr. Gomez, while being seen overall as emotionally stable, has been under frequent stress from worry about health issues and finances the past 2-3 years. He has a somewhat volatile temper, with occasional anger explosions. These were usually confined to the home, with Javier being the target. Mr. Gomez is conservative in his beliefs and describes being "revolted" by the homosexual behaviors he felt Javier was displaying. He admitted he struck Javier with his fist and injured him. He wishes the incident hadn't happened, but he continues to avoid taking responsibility by verbalizing that Javier "brought it on himself." He would benefit from anger management services in a group setting with others who have issues with anger. The assessment showed that Mr. Gomez could also benefit from parenting training, particularly if he could be educated about and learn to be more tolerant of those who have differing sexual orientations.

Lisa Gomez had a traditional upbringing and was close to her parents and her sister growing up. She has a high school education and worked part time outside the home as a receptionist until she and her husband took guardianship of Javier and his sister. Ms. Gomez views herself as very religious and feels that she draws a lot of strength from her religious beliefs and practices. She feels she has a good marriage, is close to Maria and views her like a daughter, and had a good relationship with Javier until he began showing homosexual tendencies and the abuse incident occurred. Ms. Gomez said that she was dismayed when her husband hit and injured Javier. She felt that the incident would not have occurred, though, if Javier hadn't been "acting gay." She didn't try to intervene because "when he [her husband] gets mad I stay out of his way" and because she felt Javier "deserved what happened." She wishes the incident hadn't occurred, though, and continues to feel it is best that Javier is out of the home.

The assessment revealed that Ms. Gomez is a capable, caring person, but she has rigid, strict beliefs about child rearing. She does not understand that, because she didn't try to protect Javier, she bears some responsibility for his injury. She does not view the incident as abuse and feels that Javier provoked her husband. The assessment revealed that, like Mr. Gomez, Ms. Gomez could benefit from parent training that included a component focused on being more accepting and tolerant of individuals with differing sexual orientations.

I have made monthly visits to the Gomezes in their home and have continuously encouraged them to engage in services recommended in their psychosocial assessments; however, they have refused. They do not see that they have issues to be worked on; rather, they feel that Javier is the one with the problems. They have repeatedly declined referrals and to be engaged in the recommended services.

Javier, subject child, had a mental/behavioral health assessment by a psychiatrist on 10-8-14. He was diagnosed with mild depression and prescribed Prozac. The doctor also recommended that Javier have therapy to help him deal with feelings of rejection, come to terms with his sexuality, adjust to being out of the Gomez home.

Javier continues on the same medication, Prozac, with quarterly monitoring by the prescribing physician. He participates in weekly therapy and is making progress.

### **Reason Continued Custody Is Requested**

The psychosocial assessments of the guardians and the psychiatric assessment of the child indicated that services would be beneficial to all parties before reunification was attempted. Parent training was recommended for the guardians, which would help them have insight into the child's issues and take responsibility for the injury he suffered. Anger management services for Mr. Gomez would help him deal with Javier in a more constructive manner without resorting to violence when there was conflict between the two. Because these services have not taken place, the child's safety in the home cannot be ensured. Additionally, during both my January and February 2015 visits with Mr. and Ms. Gomez, they have verbalized that they do not want Javier back in their home. They do wish to remain in contact with him and maintain a relationship.

### **Child's Perception of Situation**

Javier has blossomed in his current placement and understands it is unlikely he will return to the home of his guardians. He verbalizes some sadness, particularly because he is separated from his sister, but feels that his current group home placement is a good one for him.

### **Child Information**

#### **Physical Health**

Javier has had initial and ongoing dental and medical care and is in good health overall. His injury that brought him into care is healed, and there are no lasting effects.

#### **Mental/Behavioral Health**

Javier continues to take Prozac for mild depression, with medication being monitored quarterly by the prescribing physician. Javier was also diagnosed with oppositional defiant disorder, but his caregivers have been able to deal fairly easily with any oppositional behaviors. Javier has therapy on a weekly basis; his therapist is on-site in conjunction with his current placement. He continues to make progress in dealing with his issues.

#### **Education**

Javier is in the 10<sup>th</sup> grade at Mason High School, is a B and C student, and seems to enjoy school. He has been able to remain in the same high school he previously attended. He has had math tutoring for several weeks and has been doing extra assignments to improve grades that dropped during the December 2014 unexcused absences when Javier briefly ran away from his previous placement.

#### **Social/Emotional Development**

Javier is generally viewed positively by his teachers and classmates. He has a group of friends of both sexes, most of whom share his interest in drama. He is involved in a community drama group, which is a very meaningful activity for him. Javier currently is struggling with some issues as he identifies with—and

is coping with reactions to—being homosexual. He participates in a weekly LGBTQ group through his current placement. He enjoys the group, feels accepted, and has found it very meaningful.

## **Placement**

### **Relative Exploration**

Identifying information about possible relative resources was obtained from Mr. and Ms. Gomez. The following were contacted and explored as placement resources within days of Javier's removal and again 4 months later: Lana Trujillo, sister to Ms. Gomez; Gloria Esteban, Mr. Gomez's aunt; Susanna Cardenas, Ms. Gomez's mother; and Jon Maynard, Mr. Gomez's brother. For various reasons, none consider him/herself to be an appropriate placement option for Javier at this time. Mr. and Ms. Gomez have stated that they have a small extended family, and there are no more adult relatives to be contacted. The child's parents, Rosa and Jonathan Diaz, have been unable to identify additional relatives who might be explored. While not being placement resources, the identified relatives have stayed in contact with Javier and have remained a part of his life.

### **Fictive Kin as Placement Resource**

Upon being removed from his home, Javier said he would like to stay with a family friend, Juanita Lopez, who is the aunt of his friend Oliver. Ms. Lopez was immediately provisionally licensed as a foster home, and Javier was placed with her the night he was removed. He made a good adjustment to this home, but at the end of November 2014, Ms. Lopez moved across the state to take another job. Javier was placed in a second foster home with the Dover family on 11-28-14.

Javier was in his second placement approximately 6 weeks. The family was not a good fit for him, as he did not feel comfortable and accepted there. He ran away twice for fairly short periods of time. On 1-6-15, Javier was moved to Gateway Group Home, a small congregate care facility with a total of eight residents. He participates in LGBTQ groups, his therapy is onsite, and educational and other resources are available. He has made an excellent adjustment to this placement and feels at ease and accepted there. He has been able to remain in the same school.

## **Risk and Safety Assessment**

Safety threats include:

- 1) Mr. Gomez, guardian and primary caregiver, caused an injury to Javier during an altercation over Javier's sexual orientation. The injury (black eye and small cut) required medical attention.
- 2) Mr. Gomez lost control and struck Javier as a form of controlling him. Mr. Gomez currently lacks the knowledge of more appropriate ways to deal with Javier when there are disagreements.
- 3) Mr. Gomez has refused to accept responsibility for injuring Javier, saying that Javier "brought it upon himself."
- 4) Ms. Gomez did not intervene to protect Javier, saying that Javier provoked her husband.
- 5) Mr. and Ms. Gomez have refused to participate in services to ameliorate the causes of the abuse that brought Javier into the agency's care.

## Permanency Plan

I have had extensive discussions with Javier about a permanency goal other than reunification because Mr. and Ms. Gomez have not participated in services to address the causes of the abuse. Javier and I have discussed an adoption goal on several occasions, as well as a goal of Other Planned Permanent Living Arrangement (OPPLA). Javier's therapist has also discussed the pros and cons of adoption vs. OPPLA with him. At this point, Javier is adamant that he does not want an adoption plan; he feels he is too old to fit into another family, and he is very content with his current group home placement. I feel, as does his therapist, that Javier was fully informed at the point that he made this decision. The agency is in agreement that OPPLA is the most appropriate plan for him at this time. Thus, a change of plan staffing was held 2-16-15, with Javier and others involved in his case present, and his permanency goal was changed to OPPLA internally. All attending agreed that an OPPLA goal was the most appropriate for him. The agency requests that the court adopt the OPPLA permanency plan for Javier.

Respectfully submitted,

Vanessa Thomas  
Vanessa Thomas, Foster Care Worker

2-27-15  
Date: 02-27-15

Approved:

Robin White  
Robin White, Foster Care Supervisor

2-27-15  
Date: 02-27-15